

Assembly Bill 739 (Nation)
Issue advocacy disclosure
Version: Introduced 2/17/05
Status: Assembly Elections Committee
Hearing set: April 19, 2005

Summary

This bill would lower the reporting threshold for issue-advocacy communications featuring elective state office candidates from \$50,000 to \$10,000 and would lower the threshold for donor reporting from \$5,000 to \$1,000. It is anticipated that this bill will be amended to apply only to local candidates, so that the current thresholds will remain in place for state candidates.

Recommendation

Staff recommends the Commission take no position on this bill.

Background

Assembly Member Nation points to a last-minute “hit piece” in a water-board-district election in his Assembly District as the impetus for this legislation. The mailer apparently stopped short of the “magic words” required to trigger the disclosure requirements applicable to express advocacy communications, and because existing issue advocacy disclosure rules applies only to communications identifying elective state office candidates, the maker of this communication may not have had any requirement to file any disclosures.

Analysis

Under Government Code section 85310, the maker of any communication costing \$50,000 or more that clearly identifies, but does not expressly advocate the election or defeat of, a candidate for elective state office, made within 45 days of an election, shall file an electronic report with the Secretary of State within 48 hours of the communication disclosing the makers name, address, occupation and employer, and the source of any sources of \$5,000 or more. It is this section AB 739 currently amends.

According to the author’s staff, AB 739 will be amended to omit these changes to section 85310, but to instead create a parallel section that applies only to communications identifying local candidates, and which will not include the contribution limitation of subdivision (c).

Implementation and costs

If AB 739 becomes law, the Commission may wish to consider a regulation to address issues unique to the local level. The author has been informed by the Secretary of State’s staff that they could receive the filings, but that some funding may be necessary. The costs to the Commission associated with the bill would be those of educating locals of the new requirement, adopting a regulation, if necessary, and answering advice questions, and would likely be minor and absorbable.